

REMARKS

Summary

Claims 1-48 stand in this application. Claims 1, 14, 24 and 36 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 14, 24 and 36 in order to facilitate prosecution on the merits.

35 U.S.C. § 102

At page 3, paragraph 6 of the Office Action claims 1-8, 14-20, 24-31 and 33-43 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Publication Number 2004/0155909 to Wagner ("Wagner"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Wagner fails to teach each and every element recited in claims 1-8, 14-20, 24-31 and 33-43 and thus they define over Wagner. For example, with respect to amended independent claim 1, Wagner fails to teach, among other things, the following language:

dynamically and automatically sizing cells of said plurality of active cells in response to changes in the amount of said information to be displayed in said active cells.

According the Office Action, this language is disclosed by Wagner at figures 8A-8G and paragraph [0089]. Applicant respectfully disagrees.

Applicant respectfully submits that Wagner fails to teach, suggest or disclose the missing language. Wagner at the given cite, in relevant part, states:

In an alternative embodiment, opening the tertiary tray 830 causes the main portion 812 to be rearranged and/or scaled. Rearranging and/or scaling the main portion 812 allows both the tertiary tray 830 and the icons 802, 804, 806, 808 and 810 to be fully displayed as shown in FIG. 8G. In another alternative embodiment, the tertiary tray 830 can "shift" main portion 812 upward to make room for the tertiary tray in the display. Shifting the main portion 812 upward can cause the main portion to appear to run off of the top edge of the display.

In contrast, the claimed subject matter teaches "dynamically and automatically sizing cells of said plurality of active cells in response to changes in the amount of said information to be displayed in said active cells." Applicant respectfully submits that this is different than the above recited teaching of Wagner.

Applicant respectfully submits that a plurality of active cells are only displayed in Wagner when the tertiary tray is in the open position. Furthermore, Applicant respectfully submits that when the tertiary tray of Wagner is in the open position (see Figs. 8F and 8G) and both the tertiary tray and the main portion are displayed, Wagner fails to teach dynamically and automatically changing the sizes of the cells in response to changes in the amount of information to be displayed in the cells. Applicant respectfully submits that the only resizing in Wagner occurs in response to the manual opening of the tertiary tray. Stated differently, once the tertiary tray of Wagner is opened resulting in more than one portion being displayed, no more resizing is disclosed by Wagner.

Wagner at paragraph [0089] teaches “opening the tertiary tray causes the main portion to be rearranged and/or scaled.” Again, Applicant respectfully submits that Wagner fails to teach resizing of any portion when a plurality of portions are active as recited in amended independent claim 1. Applicant respectfully submits that any subsequent resizing in Wagner occurs in response to a manual change, e.g. a manual selection of the tertiary tray tab, rather than in response to a change in the amount of information to be displayed as recited in amended independent claim 1.

Applicant respectfully submits that Wagner fails to teach each and every limitation of claim 1. Consequently, Wagner fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-8, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Wagner.

Claims 14, 24 and 26 have been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 14, 24 and 36 are not anticipated and are patentable over Wagner for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 14, 24 and 36. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 15-20, 25-31, 33-35 and 37-43 that depend from claims 14, 24 and 36 respectively, and therefore contain additional features that further distinguish these claims from Wagner.

35 U.S.C. § 103

At page 7, paragraph 8 of the Office Action claims 9-13, 21-23, 32 and 44-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wagner in view of United States Patent Number 6,297,795 to Kato et al. ("Kato"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits, as recited above, that Wagner fails to teach, suggest or disclose each and every limitation recited in amended independent claims 1, 14, 24 and 36. Furthermore, Applicant respectfully submits that Kato also fails to teach, suggest or disclose the above recited missing language. Consequently, Wagner and Kato, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in independent claims 1, 14, 24 and 36. Furthermore, Applicant respectfully submits that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 9-13, 21-23, 32 and 44-48 that depend from claims 1, 14, 24 and 36 respectively and therefore contain additional features that further distinguish these claims from the cited references.

For at least the above reasons, Applicant submits that claims 1-48 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited

references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-48 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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Examiner: Tran, Tuyetlien T
TC/A.U. 2179

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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